

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

| | | |
|-------------------|---|----------------------|
| MONTRELL FUTRELL, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | No. 4:09CV28 CAS/AGF |
| |) | |
| DON ROPER, |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM AND ORDER

 This matter is before the Court on petitioner's motion for appointment of counsel. The motion will be denied.

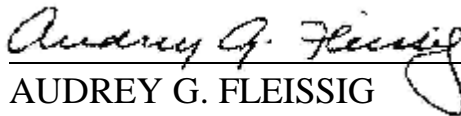
 There is no constitutional or statutory right to appointed counsel in civil cases. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the petitioner has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the petitioner will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the petitioner's allegations; and (4) whether the factual and legal issues presented by the action are complex. See Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

After considering these factors, the Court finds that the facts and legal issues involved are not so complicated that the appointment of counsel is warranted at this time.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion for appointment of counsel [#4] is **DENIED** without prejudice.

Dated this 28th day of May, 2009.

A handwritten signature in cursive script, reading "Audrey G. Fleissig", is written over a horizontal line.

AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE